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In re Application of  
PAEK, Seungyup *et al*  
Application No.: 09/831,215  
PCT No.: PCT/US99/26127  
Int. Filing Date: 05 November 1999  
Priority Date: 06 November 1998  
Attorney's Docket No.: 32282-PCT-USA  
For: IMAGE DESCRIPTION SYSTEM AND  
METHOD

COMMUNICATION

This communication is in response to the copy of "Communication Requesting Change of Applicant Name" ("Comm.") previously submitted to the International Bureau (IB) on 24 April 2001 and filed with the national stage papers on 04 May 2001.

A review of international application PCT/US99/26127 and IB records verify that Lian Huang was added as an applicant/inventor in the aforementioned international application. However, petitioners' request that applicant Eastman Kodak Corporation and applicant/inventor Charlie Judice be removed as applicant and applicant/inventor respectively was refused because no power of attorney authorizing petitioners to act for either applicant Eastman Kodak Corporation and applicant/inventor Charlie Judice was present in the international application.

Accordingly, Charlie Judice is still listed as an inventor in the above-captioned application. Petitioners must take appropriate action to remove Mr. Judice as an inventor in the above-identified application since petitioners claim that Eastman Kodak Corporation and Charlie Judice were "erroneously added as applicant and applicant/inventor, respectively, upon filing the international application." Comm. at ¶ 1.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(l); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

An oath or declaration was not included with any of the papers filed. Accordingly, this application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee pursuant to 37 CFR 1.492(e) is required.

Please direct further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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